



Linda S. Adams
Secretary for
Environmental
Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

August 14, 2006

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Ms. Sue Cone, Program Manager
City and County of San Francisco Department of Public Health
1390 Market Street, #210
San Francisco, California 94102

Dear Ms. Cone:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of City and County of San Francisco Certified Unified Program Agency (CUPA) on April 12, 2005. The evaluation was comprised of an in-office program review. An Evaluation Summary of Findings was completed and includes program observations, recommendations and examples of outstanding program implementation. The enclosed Summary of Findings is now considered final. Based on its review, I find that the City and County of San Francisco's program performance meets standards.

Cal/EPA also noted during this evaluation that the City and County of San Francisco CUPA has worked to bring about a number of local program innovations. These include an excellent inspection program that in addition to routine compliance, also performs follow-up activities to business applications, investigating and following up on complaints, and consulting with new and existing businesses in an effort to ease the compliance burden. Additionally, the City and County of San Francisco CUPA implemented a Green Business Program that devotes resources to pollution prevention to achieve enhanced environmental protection and compliance. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]
Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure
cc: See next page

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cc: Mr. John Paine (Sent Via Email)
California Environmental Protection Agency
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STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: San Francisco City and County Public Health Department

Evaluation Date: April 12, 2005

EVALUATION TEAM

Cal/EPA: Dennis Karidis

This Summary of Findings includes observations and recommendations for program improvement and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Ms. Robbie Morris at (916) 327-5902.

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** In FY 04/05, the CUPA submitted the Biennial Tiered Permitting Release Report (Summary Report #5).

Recommendation: Do not submit Summary Report #5 to the state. This requirement is no longer required by the state.

2. **Observation:** The CUPA's Self-Audit reports, which is in a "checklist" type of format, with a brief supplemental narrative, contains all the regulatory required elements. However, the document, in its current format, does not adequately reflect the CUPA's outstanding Unified Program activities. The checklist style provides little information regarding the CUPA's performance.

Recommendation: Future Self-Audit Reports should be written in a "narrative" format, concisely depicting the CUPA's activities during the reporting year. This will help to paint a more accurate and complete picture of the CUPA's performance.

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA is continuously working to improve their data management system. They continue to work closely with the staff from the Management Information Systems department to refine and improve their tracking and maintenance of all Unified Program related data, which includes the universe of regulated businesses and a chronological log of inspection activities at each site. As a result the CUPA provides complete and accurate summary report data to the state.

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2. The CUPA has developed and implemented a Green Business Program, devoting resources to pollution prevention to achieve enhanced environmental protection and compliance. The program offers environmental assistance and awards to businesses and government agencies in the City and County of San Francisco. It extends the regulatory mandate of the hazardous materials program by providing training and consultation to more efficiently achieve businesses' compliance goals through pollution prevention and other environmentally friendly business practices. Exemplary businesses receive award recognition at a publicly announced meeting. The CUPA has also participated on a task force, with other city departments and the Board of Supervisors, to address Biotech industry siting in the city.
3. The CUPA's website is well maintained and easily assessable and navigable by the public and regulated businesses. The site includes information in several languages that includes: informative and "plain english" fact sheets, extensive compliance guidelines, and required forms (applications) that cover all Unified Program elements. To streamline and simplify the compliance process, the CUPA has developed a matrix, called "Forms Chart" where regulated businesses access from the website to quickly identify the program elements and the associated forms they are required to complete and submit. The forms maybe downloaded or obtained through a convenient "FAX Backline," which allows the business to receive the forms automatically from the CUPA via fax.
4. The CUPA is fortunate to have a very low turn-over rate of staff, resulting in a highly experienced and trained CUPA staff. Most of the CUPA staff has over 10 years of experience and no one has less than five years of experience. At the beginning of each fiscal year an overall Unified Program Work Plan is prepared by CUPA management, establishing the overarching goals and objections for the CUPA. Furthermore, each staff person has an individual work plan that details their goals and objectives for the entire year. Each person is provided with an annual performance appraisal to assess their accomplishments and future training needs or desires. To maintain consistency among the CUPA staff, a comprehensive Standard Operating Procedure Manual has been developed and is maintained on a regular basis.
5. The CUPA has an excellent inspection program. The County/City is divided into 9 districts and each inspector is assigned approximately 300 businesses. In addition to routine compliance inspections, the inspectors perform follow-up activities to business applications, investigating and following up on complaints, and consulting with new and existing businesses in an effort to ease the compliance burden. To ensure that all businesses handling hazardous materials or hazardous wastes are properly regulated, each inspector spends approximately 10% of their time performing field screening operations and verification of disclaimers. This is especially important and essential to keep-up with business moves. The inspectors work closely with the City Fire Department, through a referral system, to manage UST tank closures and modifications. Although the CUPA has low staffing turn-over, there have been some instances where the staff diversions and other activities has made it difficult for the CUPA to achieve their goals for inspection frequencies. However, in addressing these shortfalls, the CUPA management has prioritized their inspections based on several factors developed by staff. This priority scheme facilitates effective and efficient work planning and assures that higher priority businesses are inspected first.

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6. The CUPA has an excellent enforcement program. In particular, they have developed and implemented a “compliance conference” process where businesses that remain out of compliance are notified to appear at the CUPA’s office to discuss options for compliance. This is the last step before formal enforcement is initiated and penalties are assessed. To date, this enforcement tool has proven to be the most effective and efficient method for obtaining “return to compliance” status. Another effective tool utilized by the CUPA is the Administrative Enforcement process, which includes expedited settlement agreements that have been primarily used to enforce the failure to maintain valid compliance certifications or permits. From January 1998, when they completed their first settlement agreement, through July 2001, the CUPA completed over 200 settlement agreements. These agreements resulted in over \$500,000 in total penalties and averaged \$2,200 per settlement. The CUPA’s enforcement actions have remained fairly constant over the past several years. In FY 02/03 the CUPA initiated over 800 enforcement actions, of which 16 were administrative actions and 6 were criminal actions, resulting in the assessment of over \$250,000 in penalties. In FY 03/04 the CUPA initiated nearly 1,000 enforcement actions, of which 41 were administrative actions and 1 was a criminal action, resulting in the assessment of over \$61,000 in penalties. In FY 04/05 the CUPA initiated over 750 enforcement actions, of which 35 were administrative actions, 2 were civil actions and 1 was a criminal action, resulting in the assessment of over \$30,000 in penalties.